



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,827	08/14/2001	Maxine C. Thome	P147.102.101	8836

7590 03/05/2003

DICKE, BILLIG & CZAJA
701 Building, Suite 1250
701 Fourth Avenue South
Minneapolis, MN 55415

EXAMINER

WARD, JOHN A

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,827

Applicant(s)

THOME ET AL

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,10-15 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 03 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on January 03, 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klaus (US 5,537,304).

Regarding claim 11, Klaus ('304) discloses a light socket fixture 1, (figure 4) comprising a frame 8, with a base portion 111, 112, 113, 114 that is secured between the building mounting surface being that of a ceiling C and a light socket fixture 100 (figure 4). Figure 4, shows how the body portion of the frame 10, 11, 13 and 15 extends generally perpendicularly relative to the base portion of the frame to extend in a spaced relationship alongside about the light source (column 2, lines 66-67, column 3, lines 1-13).

Klaus does not disclose the method of mounting the light socket fixture.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the structure of Klaus and provide a method of mounting the light socket fixture to the wall of a building, since all the structure of the prior art of Klaus will yield the same results.

Allowable Subject Matter

Claims 1, 2, 4, 6, 8-10, 12-15, and 18-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Regarding independent claim 1 nowhere in the prior art of record is found a light guard having a frame including a first and second halves, means to removably secure the two frame halves relative to each other, the body having a latticework, the support member is configured perpendicular and extend generally parallel to the longitudinal axis of the light source.

Regarding independent claim 12, nowhere in the prior art of record is found a method of guarding a light source in a socket fixture having first and second base portion, between the light socket fixture and a fixed mounting surface and to be in contact with a fix mounting surface. The first and second body portion is extends in a spaced relationship and generally perpendicular to the light source, securing the first body portion relative to the second body portion to protectively enclose the light source within the frame.

Regarding independent claim 13, nowhere in the prior art of record is found a method of providing a light fixture in a secured position against a fixed mounting surface

with the mounting surface including at least one of a wall surface and sandwiching a base flange of the light guard between the light fixture and fixed mounting surface to position a body of the light guard that's extends generally perpendicular outwardly for m the base flange to extend about the light source mounted in the light fixture.

Regarding independent claim 15, nowhere in the prior art of record is found a base portion having a generally annular shape that defines a hole with the central hole with the central hole securing the base portion directly against a building mounting surface independent of a base of a light fixture, with the body portion extending generally perpendicular outward from the base in a generally cylindrical shape and defining a lattice work of a support members.

Regarding independent claim 20, nowhere in the prior art of record is found light guard having a light source in a socket fixture having first and second base portion, between the light socket fixture and a fixed mounting surface and to be in contact with a fix mounting surface. The first and second body portion is extends in a spaced relationship and generally perpendicular to the light source, securing the first body portion relative to the second body portion to protectively enclose the light source within the frame.

Pomroy ('912) shows a light bulb guard having a first and second portion; the portions extend parallel to the light bulb, and are disposed around the light bulb.

Pomroy does not teach or suggest the light guard including a flange and disposed between the light fixture and the wall or ceiling supporting the light fixture, and is contact with either the light fixture or the wall or ceiling supporting the light fixture, nor

Art Unit: 2875

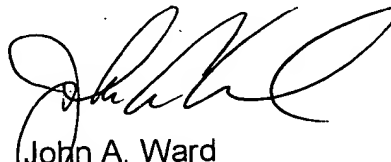
does Pomroy teach or suggest the light guard including a base portion that attaches to the mounting surface of the wall surround the light fixture and directly mounted to the mounting surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 703-305-5157. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0596.

JAW
March 3, 2003



John A. Ward
Patent Examiner AU 2875